

4. The Law Office of Michael Bruka appeared as counsel for Defendant in this action on February 03, 2015 by serving and filing a Notice of Appearance. A copy of the Notice of Appearance is annexed hereto as **Exhibit 1**.
5. All statements herein regarding events occurring on or after February 03, 2015 are based on my personal knowledge and the records and documents made, maintained and utilized by my firm and available for public viewing various United State government websites. All statements made before February 3, 2015 are made based upon information and belief on review of the records and documents as they exist on the Southern District's Electronic Case Filing ("ECF") system..
6. Plaintiff commenced this action by filing a Complaint and Summons on September 10, 2014 and subsequently filing the Amended Complaint on October 13, 2014. Annexed hereto collectively as **Exhibit 2** are copies of the Amended Complaint, dated October 13, 2014.
7. On February 3, 2015, Defendant filed the Answer to the Amended Complaint. Upon stipulation of the parties and Order of the Court, Defendant subsequently filed the Amended Answer on April 2, 2015. Annexed as **Exhibit 3** is the Amended Answer Dated March 3, 2015.
8. On April 13, 2015, Plaintiff filed an Answer to Counterclaims. Annexed hereto as **Exhibit 4** is a copy of Plaintiff's Answer to Counterclaims.
9. By letter filed April 27, 2015 Defendant's counsel requested that a pre-motion conference be scheduled or that Defendant be permitted to file its motion to dismiss. On April 21, 2015, the Court ordered Defendant to file its Federal Rule of Civil Procedure 12 (b) (1) motion to dismiss by May 8, 2015.

10. Annexed hereto as **Exhibit 5** is Order No.: WN-11-011,In the Matter of ONEWEST BANK, FSB, OTS Docket No. 18129, United States of America Before the Office Of Thrift Supervision,(Effective April 13, 2011).

11. Annexed hereto as **Exhibit 6** is the Loan Sale Agreement By and Between The Federal Deposit Insurance Corporation, as Receiver for IndyMac Federal Bank, FSB and OneWest Bank, FSB. Dated March19, 2009.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury under the laws of theUnited States of America and the State of New York that the foregoing is true and correct.

Dated: New York, New York

May 22, 2015

/s/ Michael Bruk,

Michael Bruk (MB 4367)